



JON M. HUNTSMAN, JR.  
Governor

GARY R. HERBERT  
Lieutenant Governor

**State of Utah**  
**DEPARTMENT OF NATURAL RESOURCES**  
**Division of Oil, Gas & Mining**

MICHAEL R. STYLER  
Executive Director

JOHN R. BAZA  
Division Director

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Notice of Violation ☒ No. N2007-58-01

CERTIFIED RETURN RECEIPT # 7005 2570 0000 4801 9912

To the following Permittee or Operator:

Permittee/Operator Name: Kennecott Utah Copper/ attn: Mr. Rohan McGowan-Jackson, Manager, Health, Safety & Environment and Sustainable Development

Mine Name: Bingham Canyon ☒ Surface ☐ Underground ☐ Other

County: Salt Lake State: Utah Telephone Number: 801-569-6000

Business Address: P.O. Box 6001 Magna Utah 84044

Permit Number: M/035/002

Ownership Category: ☐ State ☐ BLM ☐ USFS ☒ Fee ☐ Other

Date of Inspection: July 31, 2007 Time: 11:00 ☒ a.m. ☐ p.m. to 1:30 ☐ a.m. ☒ p.m.

Under authority of the Utah Mined Land Reclamation Act, Section 40-8-1 et seq., *Utah Code Annotated*, 1953, the undersigned authorized representative of the Division of Oil, Gas, and Mining has conducted an inspection of above mine on above date and has found that a Notice of Violation or Cessation Order must be issued with respect to the conditions, practices, or violations listed. In accordance with Section 40-8-9, *Utah Code Annotated*, you are ordered to cease immediately the operations or activity described and to perform the required actions described within the designated time for abatement.

The undersigned representative finds that this order ☐ does require cessation of all mining;

☒ does not require cessation of all mining.

For this purpose, "mining" means development of, or extraction of a mineral deposit, including transportation within or from the mine site, concentrating, milling, evaporation, or other processing. Mining and/or reclamation operations not directly the subject of this order shall continue while this order is in effect. You are responsible for doing all work in a safe and workmanlike manner.

This order shall remain in effect until it is modified, terminated or vacated by written notice of an authorized representative of the director of the Division of Oil, Gas, and Mining.

Date of service/ mailing: 8/8/07 Time of service/ mailing 2:00 ☐ a.m. ☒ p.m.

Permittee or Operator Representative

Title

Signature

Beth Ericksen  
Division of Oil, Gas and Mining Representative

Mining Engineer  
Title

Signature

Notice of Violation NO. N2007-58-01

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Violation No. 1 of 1

Nature of condition, practice, or violation:

On Friday, July 27, 2007, 2.44 inches of rainfall resulted in the flow of Yosemite dump face material approximately 5000 ft off site into Butterfield Creek, a perennial stream. Current control measures were inadequate to manage and intercept the water/sediment flows from the Yosemite dump.

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Provisions of act, regulations, or permit violated:

R647-4-107.1, R647-4-107.2, R647-4-107.3, R647-4-107.4, R647-4-107.5, R647-4-107.6

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(Check box if appropriate:)

- Condition, practice, or violation is creating an imminent danger to health or safety of the public.  
\_\_\_ Permittee/Operator is/has been conducting mining activities without a permit.  
☒ Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.  
\_\_\_ Permittee or Operator has failed to abate Violation(s) No. \_\_\_\_\_ included in Notice of Violation No. or Cessation Order No. M \_\_\_\_\_ within time for abatement originally fixed or subsequently extended.

Mining activity to be ceased immediately:

Affirmative obligation(s) or required action and abatement time (if applicable):

1. Identify appropriate and additional measure(s) to avoid or minimize future damage to natural channels. 2. Provide detailed erosion control designs for all erosion control structures to show sediment is being controlled, contained, and treated in the Butterfield Canyon area. Optimize these designs. 3. Demonstrate how deleterious materials (sediment) will be kept in an isolated condition to minimize or prevent any physical or chemical conditions in the soils and/or water so that environmental effects are adequately controlled. Establish and submit an implementable sediment-sampling plan before relocating sediment materials that meets Division approval. 3a. Any sediment/debris that flowed outside of the permit area shall be cleaned-up and removed to a Division-approved location. 3b. Identify where the removed sediment has been deposited and commit to remove the material to a Division-approved site if it is determined (through sampling) to adversely affect plant growth and/or water quality. 4. Commit to establishing stability analysis plans for the waste dump area(s) that contribute to Butterfield Canyon watershed. Determine an appropriate slope stabilization method for all waste dumps contributing to Butterfield canyon area (which may include reducing the angle of repose of the dump slope). Numbered items 1-4 above must be incorporated into the mining and reclamation plan and approved by the Division.

Time frame for affirmative obligations numbered 1,2,3,4 is as follows: Within 45- days of the receipt date of this NOV all actions will include initial submittals to the Division which includes a schedule for each required action that specifically outlines a time frame and identified milestones that must be approved by the Division before implementation. Time frame for 3a and 3b is within 15 days.

pb

cc:

Beth Ericksen, DOGM  
Tom Munson, DOGM  
Daron Haddock, DOGM  
Doug Bacon, DEQ  
Dan Hall, DWQ  
Jan Robinson, DWQ (UPDES)  
Rod Dansie, Citizen

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# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

### Division of Oil, Gas & Mining

MICHAEL R. STYLER  
Executive Director

JOHN R. BAZA  
Division Director

### Inspection Report Minerals Regulatory Program

Report Date: August 8, 2007

Supervisor DRH

**Mine Name:** Bingham Canyon Mine  
**Operator Name:** Kennecott Utah Copper  
**Rohan McGowan-Jackson, Manager**  
**Inspector(s):** Beth Ericksen and Tom Munson  
**Other Participants:** Vicky Peacy and Brian Vinton  
**Mine Status:** Active

**Permit number:** M/035/002  
**Inspection Date:** July 31, 2007  
**Time:** 11:00 am

**Weather:** Sunny

Elements of Inspection	Evaluated	Comment	Enforcement
1. Permits, Revisions, Transfer, Bonds	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Public Safety (shafts, adits, trash, signs, highwalls)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Protection of Drainages / Erosion Control	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4. Deleterious Material	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5. Roads (maintenance, surfacing, dust control, safety)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Concurrent Reclamation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
7. Backfilling/Grading (trenches, pits, roads, highwalls, shafts, drill holes)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Water Impoundments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Soils	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
10. Revegetation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Air Quality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### Purpose of Inspection:

Citizen Complaint regarding water/sediment flow from Yosemite waste dump.

#### Inspection Summary:

The site inspection consisted of going to Butterfield Canyon area to view the sediment run-off from the Yosemite dump. The dump-face material filled the sediment basin, bypassed the cut-off wall and flowed down the drainage. There was matted vegetation in the drainage area, which indicated a slower flow, however, it traveled distance of approximately 5000 feet from the Yosemite waste dump toe. The sediment hit a low point in the county road. The pipe capacity was exceeded; the culvert was clogged, so the sediment flowed offsite across the road. It was then directed to Butterfield Creek, a perennial stream.

3. Sediment/waterflows from the Yosemite waste dump was not adequately controlled with the current control system.

4. Deleterious materials (sediment) affected vegetation, water and soils. The sediment traveled off-site along the county road and into Butterfield Creek.

6. The waste dumps are a high angle of repose so rainfall can accelerate erosion at a higher rate; the existing dump gullies are large and deeply incised. Therefore, debris flow or shallow surface slope failures can be initiated and travel great distances if water initiated. I requested to visit the top of Yosemite dump, however,

Vicky had a commitment, so did not inspect the dump surface. It does not appear the dump is utilized, and the condition warrants further review to ensure it is kept in a safe, environmentally stable condition.

9. The sediment at the base of Yosemite dump was being removed and Beth and Tom were told it was being placed at Copper Notch.

**Conclusions and Recommendations:**

**Surface water controls may be inadequate for the Yosemite dump when pre-infiltrated water events occur. Since the source of the run off is the dump itself, it is necessary to evaluate the vulnerability of erosion that may lead to events small and/or large. Further detail is identified in the inspection memo dated August 6, 2007.**

**Recommend that a violation be issued regarding these events.**

Inspector's Signature



Date:

8-8-07

BE:pb

cc: KUCC, Rohan McGowan-Jackson  
Beth Erickson, DOGM  
Tom Munson, DOGM  
Daron Haddock, DOGM  
Doug Bacon, DEQ  
Dan Hall, DWQ  
Jan Robinson, DWQ (UPDES)  
Rod Dansie, Citizen

Attachment: Photos taken on July 31, 2007